

**ADMINISTRATIVE RULES HAVING A  
FISCAL IMPACT ON  
LOCAL GOVERNMENTS**

**Office of State Budget and Management  
March 1, 2003**

# Introduction

On May 17, 1994, Governor Hunt issued Executive Order No. 49 entitled “Fiscal Notes on Administrative Rules Affecting Local Governments.” The Executive Order set forth policies and procedures for state agencies to follow when proposing permanent rules with an impact on local governments. In 1995, the General Assembly incorporated these policies as well as other changes in the Administrative Procedure Act (APA). For several years, the APA required state agencies to analyze proposed permanent rules and determine their fiscal impact on local governments. The revised APA enables local governments to have more input in the rule-making process, in particular, in estimating the fiscal impact of permanent rules on local budgets. Further, under the new APA guidelines, state agencies will become more aware of the importance of considering a proposed rule’s impact on local governments.

G.S. 150B-21.28 charges the Office of State Budget and Management with the preparation of an annual report that includes:

1. Summary of the projected fiscal impact on local governments of rules adopted during the preceding fiscal year; and
2. Schedule of anticipated rule actions that will affect local governments in the upcoming fiscal year.

G.S. 150B-21.28 requires that the Office of State Budget and Management provide a copy of the report to the Governor, the General Assembly, the North Carolina Association of County Commissioners, and the North Carolina League of Municipalities by March 1 of each year. The Office of State Budget and Management based the report on a survey of all departments in state government as well as numerous boards and commissions.

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This report represents the consolidated response of North Carolina State Agencies, boards and commissions.

## **PART I**

### **RULES ADOPTED IN FY 2001-2002 THAT IMPACT LOCAL GOVERNMENTS**

**OFFICE OF STATE BUDGET AND MANAGEMENT**  
**ANNUAL SUMMARY REPORT**  
**RULES ADOPTED IN FY01-02 THAT IMPACT LOCAL GOVERNMENT**

| Agency | Division                         | Rule Citation Number   | Rule Description  | Adopt Date | Effective Date | Local Impact FY01-02 | Local Impact FY02-03 | Local Impact FY03-04 | Local Impact FY04-05 | Local Impact FY05-06 | Agency Contact                       |
|--------|----------------------------------|--|---|------------|----------------|----------------------|----------------------|----------------------|----------------------|----------------------|--------------------------------------|
| DENR   | Coastal Mgmt.                    | 15A NCAC 7L .0101-.0102, .0505-.0514; .0601-.0603, .0701-.0705 | Establishes 3 types of land use plans under Chapter 7B; core, advanced core, and workbook plans. All of the 20 CAMA counties will be required to prepare a core plan. Updates the criteria required for local govts. to receive funding to implement the plan.  | 9/20/2001  | 8/1/2002       | \$0                  | \$78,000             | \$78,000             | \$118,000            | \$158,000            | Kathy Vinson<br>252-808-2808         |
| DENR   | Division of Radiation Protection | 15A NCAC 11 .1105  | Amends Div. rules to comply with the US. Nuclear Regulatory Comm. Sets fees collected by the Div. for inspection & training of facilities & personnel. State & Locally owned hospitals will be required to pay a 30% increase in annual X-ray registration fees | 1/21/2002  | 8/1/2002       | \$0                  | \$0                  | \$32,115             | \$21,415             | \$21,415             | Wanda J. Shackelford<br>919-571-4141 |
| DENR   | Enviro. Health                   | 15A NCAC 18C .1519,.1520, .1521, .1522, & .1607                | Radionuclide rule protects public health by reducing the exposure to radionuclides in drinking water to reduce the risk of cancer.Promulgates a new std. for uranium in drinking water, revises monitoring requirements & sets requirements for radium - 228.   | 11/20/2001 | 8/1/2002       | \$0                  | \$305,532            | \$305,532            | \$305,532            | \$267,812            | Linda F. Raynor<br>(919) 715-3225    |

Effective date shown is proposed.

Savings or additional revenue indicated by minus sign ( - ).

Adoption date is estimated.

NA means not applicable.

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|--------|-----------------|---|---|------------|----------------|----------------------|----------------------|----------------------|----------------------|----------------------|-----------------------------------|
| DENR   | Enviro. Health  | 15A NCAC 18C .2003                                    | Filter backwash recycliny rule requires public water systems that recycle folws to the plant's treatment process to institute changes, where necessary, such that microbial control will not be comprised.  | 11/20/2001 | 8/1/2002       | \$0                  | \$6,168              | \$6,168              | \$6,168              | \$6,168              | Linda F. Raynor<br>(919) 715-3225 |
| DENR   | Environ. Health | 15A NCAC 18C .0408, .2008                             | Requires public water supply systems that recycle flows to the plant's treatment process to institute changes where necessary to ensure microbial control will not be compromised. Follows fed. Filter Backwash Recycling Rule.                             | 11/20/2001 | 8/1/2002       | \$6,168              | \$6,168              | \$6,168              | \$6,168              | \$6,168              | Linda F Raynor<br>919-715-3225    |
| DENR   | Environ. Health | 15A NCAC 18C .1505, .1506, .1515, .1523, .1525, .1526 | Revises the public notification regulations for implementation of the 1996 Fed. Safe Drinking Water Act. Specifies requirements that public water systems must follow when giving public notice. The revised rule better communicate public health threats. | 11/20/2001 | 8/1/2002       | \$0                  | \$115,178            | \$115,178            | \$115,178            | \$115,178            | Linda F Raynor<br>(919) 715-3225  |

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|--------|-------------------|----------------------|--|------------|----------------|----------------------|----------------------|----------------------|----------------------|----------------------|---|
| DENR   | Land Resources    | 15A NCAC 4B .0126    | Increases the plan review processing fee under the Erosion and Sedimentation Control Plan of Action from \$40 per acre to \$50 per acre.   | 10/22/2001 | 8/1/2002       | \$8,850              | \$8,850              | \$8,850              |                      |                      | Mell Nevils<br><br>(919) 733-4574           |
| DENR   | Water Quality     | 15A NCAC 2B .0304(p) | Reclassifies the French Broad River & it's tributaries to primary recreation uses.Requires new wastewater discharges to comply with reliably standards; all fecal discharges must meet fecal coliform levels for class B waters at the end of the idscharge pipe | 12/31/2001 | 8/1/2002       | \$0                  | \$230,000            | \$0                  | \$0                  | \$0                  | Elizabeth Kountis<br>919- 733-5083 ext. 369 |
| DHHS   | Facility Services | 10 NCAC 3D .2607     | Updates existing Emergency Medical Services terminology, definitions, roles, and responsibilities. Set a new "base" std. for all EMS to meet or exceed the base criteria. Those that exceed the base requirement are classified as Model Systems.                | 6/20/2002  | 4/1/2003       | \$0                  | \$771,050            | \$0                  | \$0                  | \$0                  | Mark Benton<br><br>919-733-2342             |

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|--------|--------------------|----------------------------------|---|------------|----------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------------------|
| DHHS   | Facility Services  | 10 NCAC 3R .6322, .6326, & .6329 | Policies & Needs Determination, 2001 State Medical Facilities Plan. The rules designate how many additional nursing facility, hospice, and adolescent substance abuse beds will be available under the Certificate of Need program. (CON) | 7/20/2001  | 7/1/2002       | \$9,802              | \$13,279             | \$16,809             | \$64,597             | \$0                  | Jackie Sheppard<br>919-733-2342  |
| DHHS   | Medical Assistance | 10 NCAC 50B .0102                | Uninsured women diagnosed with breast or cervical cancer aged 65 or younger are eligible for insurance coverage for the duration of treatment.  | 6/20/2002  | 4/1/2003       | \$80,392             | \$184,222            | \$313,967            | \$398,051            | \$499,270            | Allen Gambill<br>919-857-4094    |
| DHHS   | Social Services    | 10 NCAC 41H .0409 & .0410        | Requires NC. to establish an adoption subsidy program that removes the financial disincentives of adopting children with special needs by providing federal funds as a portion of the cost.   | 9/20/2001  | 7/17/2002      | \$500,000            | \$500,000            | \$500,000            | \$500,000            | \$500,000            | Sharnese Ransome<br>919-733-3055 |

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|-----------|--------------------------|--|--|------------|----------------|----------------------|----------------------|----------------------|----------------------|----------------------|---------------------------------|
| DHHS      | Substance Abuse          | 10 NCAC 14J .0206, .0203, .0211-.0212; 14P .0101; 14R .0104, .0108-.0109                                       | Adopt rules per HB 1520 on alternatives to the use of physical restraint, seclusion & isolation for developmental disabled clients. Requires certain data to be collected for each incident. Sets restraint training requirements for personnel. | 9/18/2001  | 4/1/2003       | \$128,186            | \$95,131             | \$97,920             | \$100,628            | \$103,603            | Cindy Kornegay<br>919-881-2446  |
| Insurance | NC Building Code Council | ICB Sections 602.2, 901.6.2, 903.2.12.3, 903.3.5.2, 905.2, 1616.4.1, 1621, 1709, 1905.6, 2212, 6.2.1, 6.2.5.4, | Re-writes the NC State Building Code(s) based on the International Building Code with North Carolina amendments.   | 1/1/2002   | 1/1/2002       | \$27,000,000         | \$27,000,000         | \$27,000,000         | \$28,000,000         | \$29,000,000         | Wanda Edwards<br>919- 733-3901  |
| Labor     | Elevator                 | 13 NCAC 15 .0701-.0704   | Sets new elevator inspection fees.   | 9/28/2001  | 10/17/2001     | \$200,285            | \$215,158            | \$222,258            | \$229,593            | \$237,170            | Clyde Wagoner<br>(919) 807-2781 |

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|--|----------|--|---|------------|----------------|----------------------|----------------------|----------------------|----------------------|----------------------|--------------------------------|
| NC Sheriffs' Education and Training Standards Comm | Cert.    | 12 NCAC 10B .0305, .0406, .0408, .0409, .2104                                      | Set the inservice firearms training requirements officers must meet for requalification. Sets the qualification fees at \$21.94 per officer to qualify with a shotgun at night and \$40.43 per officer to qualify with a handgun. On a combat course. | 11/20/2001 | 8/1/2002       | \$1,322,400          | \$1,322,400          | \$1,322,400          | \$1,322,400          | \$1,322,400          | Julia A. Lomam<br>919-716-6460 |
| NC Substance Abuse Board                           | Cert.    | 21 NCAC 68 .0101, .0201-.0206, .0208, .0211-.0212, .0214-.0215, .0302, .0305-.0306 | Sets guidelines for substance abuse certification. Increases the registration fee from \$100 to \$125 per applicant. Increases the exam fee from \$100 to \$125.  | 2/20/2002  | 8/1/2002       | \$3,500              | \$3,500              | \$3,500              | \$3,500              | \$3,500              | Ann Christian<br>919-755-9229  |

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## **PART II**

### **RULES TO BE ADOPTED IN FY 2003-2004 THAT MAY AFFECT LOCAL GOVERNMENTS**

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**RULES TO BE ADOPTED IN FY02-03 THAT MAY AFFECT LOCAL GOVERNMENT**

| Department  | Division                               | Proposed Rule Citation Number<br>(if known)              | Rule Description   | Proposed Action-<br>Adopt (AD), Amend<br>(A), Repeal (R) | Federal Law<br>Citation   | Agency Contact/<br>Phone No.          |
|---|--|--|--|--|---------------------------|---------------------------------------|
| Department of<br>Environment and<br>Natural Resources | Division of<br>Environmental<br>Health | 15A 18C .1510  | Maximum containment levels for inorganic chemicals. Applicable to community water systems; lowers the existing maximum containment level for arsenic from .05mg/L to .010mg/L effective January 1, 2002. | A  | 40 CFR 141 & 142          | Linda F. Raynor<br><br>(919) 715-3225 |
| Department of<br>Environment and<br>Natural Resources | Division of<br>Environmental<br>Health | 15A NCAC 18A .1304                                       | Requires local health departments to inspect kitchens of nursing homes 4 times a year instead of twice.  | A  | NA                        | Jim Hayes<br><br>(919) 715-0924       |
| Department of<br>Environment and<br>Natural Resources | Division of<br>Environmental<br>Health | 15A NCAC 18C .1505, .1506,<br>.1515, .1523, .1525, .1526 | Makes NC. rules conform with EPA rules on issues regarding public notification of problems with compliance.  | A  | 40 CFR Parts 141<br>& 142 | Lynda Raynor<br><br>(919) 715-3225    |
| Department of<br>Environment and<br>Natural Resources | Division of<br>Environmental<br>Health | 15A NCAC 18C .1519, .1520,<br>.1521, .1522, .1609        | Makes NC. rules conform with EPA rules on radionuclides.   | A  | 40 CFR Parts 141<br>& 142 | Lynda Raynor<br><br>(919) 715-3225    |
| Department of<br>Environment and<br>Natural Resources | Division of<br>Environmental<br>Health | 15A NCAC 18C .2003                                       | Makes NC. Rules conform with EPA rules on recycling backwash water in treatment plants.  | A  | 40 CFR Parts 141<br>& 142 | Lynda Raynor<br><br>(919) 715-3225    |

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|---|---------------------------------|---|---|--|-------------------------|---------------------------------------|
| Department of<br>Environment and<br>Natural Resources | Division of Waste<br>Management | 15A NCAC 13B .0300                          | Treatment and Processing  | A  | N/A                     | Ted Lyon<br><br>(919) 733-0692        |
| Department of<br>Environment and<br>Natural Resources | Division of Waste<br>Management | 15A NCAC 13B .0530-.0556                    | Construction and Demolition Landfill  | A  | 40 CFR 257              | Jim Barber<br><br>(919) 733-0692      |
| Department of<br>Environment and<br>Natural Resources | Division of Water<br>Quality    | 15A NCAC 2                                  | Storm water NPEDES Phase II   | A  | 40 CFR 122              | Bradley Bennett<br><br>(919) 733-5083 |
| Department of<br>Environment and<br>Natural Resources | Division of Water<br>Quality    | 15A NCAC 2                                  | Catawba River Basin Riparian Protection<br>Required   | AD   | N/A                     | Boyd DeVane<br><br>(919) 733-5083     |
| Department of<br>Health and<br>Human Services         | Child Care<br>Commission        | 10 NCAC 3U .0302                            | Clarify circumstances under which the Division<br>of Child Care Development may deny the<br>application for a child care license. | A  | NA                      | Janice Fain<br><br>(919) 662-4543     |
| Department of<br>Health and<br>Human Services         | Child Care<br>Commission        | 10 NCAC 3U .2400                            | Adopt requirements for child care centers that<br>choose to provide care for mildly ill children.                                 | AD   | NA                      | Janice Fain<br><br>(919) 662-4543     |

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|---|----------------------------------|---|--|--|-------------------------|-----------------------------------|
| Department of<br>Health and<br>Human Services | Division of<br>Facility Services | 10 NCAC 3R .6450-.6499                      | 2004 State Medical Facilities Plan. These rules designate how many additional nursing beds will be available under the Certificate of Need Plan for CY 2004.   | AD, A  | NA                      | Mark Benton<br><br>(919) 855-3750 |
| Department of<br>Health and<br>Human Services | Division of<br>Facility Services | 10 NCAC 3R .6500-.6549                      | 2003 State Medical Facilities Plan. These rules designate how many additional nursing beds, etc., will be available under the Certificate of Need (CON) Plan for calendar year 2003.                                       | AD, A  | NA                      | Mark Benton<br><br>(919) 733-2342 |
| Department of<br>Health and<br>Human Services | Division of Social<br>Services   | 10 NCAC 41H .0409-.0410                     | The General Assembly established the Special Needs Adoption Incentive Fund in SL 2000-67. The new rules establish the eligibility requirements for participation in the Fund and the procedures for payment from the Fund. | AD   | NA                      | Kris Horton<br><br>(919) 733-3055 |
| Department of<br>Health and<br>Human Services | Medical Assistance               | 10 NCAC 26C .0105                           | Medical Services   | A  | 42 CFR<br>440.230(d)    | Kris Horton<br><br>(919) 857-4016 |
| Department of<br>Health and<br>Human Services | Medical Assistance               | Citation not known                          | Provider Enrollment Performance Bonds  | AD   | NA                      | Kris Horton<br><br>(919) 857-4016 |
| Department of<br>Health and<br>Human Services | Medical Assistance               | Citation not known                          | Sb 163 Provider Enrollment   | AD   | NA                      | Kris Horton<br><br>(919) 857-4016 |

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|-----------------------|------------------------------|---|---|--|-------------------------|---------------------------------------|
| Department of Justice | Sheriffs' Standards Division | 12 NCAC 10B .0305                           | Establishes background Investigations for all applicants.   | A  | NA                      | Julia Lohman<br><br>(919) 716-6460    |
| Department of Justice | Sheriffs' Standards Division | 12 NCAC 10B .0406                           | Applications for lateral transfers/reinstatements require the same documentation as required for probationary officers.                               | A  | NA                      | Julia Lohman<br><br>(919) 716-6460    |
| Department of Justice | Sheriffs' Standards Division | 12 NCAC 10B .0408                           | Amends the rule "Verification of Records to the Division" by employing agencies.  | A  | NA                      | Julia Lohman<br><br>(919) 716-6460    |
| Department of Justice | Sheriffs' Standards Division | 12 NCAC 10B .0409                           | Amends the rule "Employing Agency Retention of Certification Records" by each employing agency.   | A  | NA                      | Julia Lohman<br><br>(919) 716-6460    |
| Department of Justice | Sheriffs' Standards Division | 12 NCAC 10B .2104                           | Expands the in-service standard for annual firearms re-qualification to include night-time shotgun qualification and combat course of fire.           | A  | NA                      | Julia Lohman<br><br>(919) 716-6460    |
| Department of Labor   | Elevator Division            | 13 NCAC 15 .0702                            | Adopts new standards for the installation of elevators, escalators, dumbwaiters, and special equipment installation. Sets an alteration fee schedule. | AD   | NA                      | Barbara Jackson<br><br>(919) 733-0368 |

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|------------------------|---|---|--|--|-------------------------|---------------------------------------|
| Department of<br>Labor | OSHA                                      | 13 NCAC 7F .0101                            | Adopts new standards for communication towers.   | AD   | NA                      | Barbara Jackson<br><br>(919) 733-0398 |
| Department of<br>Labor | OSHA                                      | 13 NCAC 7F .0201                            | Adopts new standards for communication towers.   | AD   | NA                      | Barbara Jackson<br><br>(919) 733-0368 |
| State Treasurer        | State & Local<br>Gov. Finance<br>Division | 20 NCAC 03 .0112                            | Increases the fees charged local governments for services of the Local Government Commission in connection with the approval, sale, and other duties for issuing debt other than general obligation bonds. | A  | NA                      | Janice Burke<br><br>(919) 807-2360    |